

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

Connecticut General Statutes (C.G.S) and Regulations of Connecticut State Agencies (R.C.S.A.)
As of July 1, 2020

Section 10-76a, and 10-76a-1	Definition of child requiring special education includes gifted and talented Definition of planning and placement team Definition of "Board of education" or "board" Definition of "Child" and "Parents" Definition of "A child with a disability" Definition of "A child" Definition of "Extended school day or extended school year services" Definition of "Independent evaluation" Definition of "Private special education program"
Section 10-76b-1	Authority for compliance with the IDEA for the provision of a free appropriate public education to children with disabilities
Section 10-76b-4	Compliance related to monitoring and compliance procedures
Section 10-76a-2	Definition of extraordinary learning ability, gifted and talented and outstanding talent in the creative arts
Section 10-76b-5 to Section 10-76b-11	Use of and reporting physical restraint and seclusion in public schools requirements
Section 10-76d-1	Special education and related services with general requirements, provision, arrangement and payment of services.
Section 10-76d-2	Special Education Personnel including aides, consultation and personnel development.
Section 10-76d-3	Length of school day and year with the requirement to consider ESY early enough to allow parents to challenge unless clearly not feasible to do so.

Section 10-76d-4	Physical facilities and equipment or assistive technology
Section 10-76d-5	Class size and composition
Section 10-76d-6	Eligibility and identification for services for parentally placed private school children or children educated at home by their parents.
Section 10-76d-7	Referral; referrals from a physician, clinic or social worker permitted provided the parent allows it; standard referral form to be provided; school districts required to provide information understandable to the public concerning the procedures for requesting an initial evaluation of a child, including an explanation of general education interventions, one person in each school building must be identified for parents or professional staff to talk to about special education referrals and interventions, interventions in regular education shall be explored before a referral to special education is made; children who are suspended repeatedly or whose behavior, attendance or progress in school, including children who are truant, is considered unsatisfactory or at a marginal level of acceptance must be referred
Section 10-76d(a)(10)(F)	The statute requires notification to parents at each initial planning and placement team meeting of the state laws relating to the use of physical restraints and seclusion with children requiring special education
Section 10-76d-8	The regulation for notice and consent to include written notice and detailed description of when notice is required. Allows notice to be given at PPT meeting. Consent: if the parents fail to respond to a request for consent where consent is required, the LEA shall construe that as refusal of consent
Section 10-76d(a)(2)-(7) and (9)	The statute determining Medicaid eligibility for the receipt of Medicaid grants <i>Bill 1502- requires the Planning and Placement Team to determine Medicaid status</i>
Section 10-76d(b)	The statute that LEA's may make agreements with a private school, agency or institution to provide necessary preschool education programs
Section 10-76d(d)	The statute for LEA's to receive state reimbursement for LEA initiated private placements, the private school, agency or institution must be approved for special education by the Commissioner of Education; placement priorities may be ignored if the private school placement is less expensive than the public school placement, as long as the program is appropriate
Section 10-76d-9	The regulation of evaluation, independent educational evaluation, determining the existence of a learning disability and identification and evaluation of children who may be gifted or talented.
Section 10-76d(e)(2) and (5)	State agency placements of children eligible for special education: apportionment of educational and residential costs; grants to LEAs; responsibility of placing agency
Section 10-76d(e)(3)	Grants for LEAs who educate eligible children who reside on state-owned or leased property
Section 10-76d(e)(4)	Department of Mental Health and Addiction Services (DMHAS) must provide regular and special education to eligible residents in facilities operated by DMHAS

Section 10-76d(f)	Out-of-state placements
Section 10-76d(g)(2)	State Board of Education (SBE) to approve out-of-state placements annually if such placement continues beyond three years
Section 10-76d-10	Planning and Placement Team, referral, evaluation of child with a disability, determination of eligibility, meeting and re-evaluations.
Section 10-76d-11	IEP components; short term instructional objectives, list of individuals implementing the IEP, indication if residential placement is being recommended for other than educational reasons, and the specifics of the child's transportation needs placed on the Department of Education's IEP form.
Section 10-76d-12	Transfer of rights: inclusion of a procedure for decision making to remain with the child's parents for children who reach the age of majority and the parental participation with exceptions noted.
Section 10-76d-13	Timelines: if a referral is made during the academic year, the IEP must be implemented within 45 school days of referral, exclusive of the time necessary for parental consent; if the PPT recommends an out-of-district or private placement, the IEP shall be implemented within 60 school days of the date of referral, exclusive of the time necessary for parental consent; a full copy of the IEP shall be provided to parents within five school days after the PPT meeting;
Section 10-76d-14	Trial placement for diagnostic purposes: a PPT may use a trial placement for diagnostic purposes: a structured program of no more than 40 school days, with written goals and objectives and the PPT shall meet at least once every ten school days unless waived to review the placement; five days before the end of the diagnostic placement, the PPT reconvenes to write the child's IEP based on the findings made during the placement. The trial placement is an evaluation and is not considered the child's current placement for purposes of due process unless the parents and school district otherwise agree.
Section 10-76d-15	Homebound and hospitalized instruction: required to be provided when a child will be absent from school for medical reasons; conditions to be met include provision of doctor's note indicating length of absence from school (length of absence may be consecutive days of absence or repeated short-term absences) and anticipated date of return; instruction to begin no later than two weeks from the first date of absence; preschool children receive services as determined by the PPT, children in K-6 receive at least 5 hours of instruction a week; 7-12, at least 10 hours. Resolution process if school district and parent disagree about the child's need for homebound; parent required to provide consent so child's physician may speak to appropriate school staff about the need for homebound. Services required for children who are pregnant or who has given birth and cannot attend school for medical reasons.
Section 10-76d-17	Approval standards, requirements and procedures for private facilities and a private program with a school or facility.
Section 10-76d-18	Education records; access rights include the right to one free copy of the record; right to copy of the record limited by copyright laws, but not right to review and inspect record if it meets the definition of education record found in FERPA
Section 10-76d-19	Transportation; travel time not to exceed one hour each way; in-service training of operators of vehicles required; all vehicles shall meet DMV requirements;

transportation aides as are appropriate; if LEA requests parent transports a child, parent shall be reimbursed, rate of reimbursement to be two round trips to drop off and pick up child.

Section 10-76e	School construction grants for cooperative regional special education facilities is repealed substituted in lieu thereof
Section 10-76f	Definition of terms used in formula for state aid for special education
Section 10-76g	State aid for special education
Section 10-76h-1	Definition of "Business day" Definition of "Commissioner" Definition of "Day" Definition of "Department" Definition of "Due Process Unit" Definition of "Party" Definition of "Public Agency" Definition of "Pupil"
Section 10-76h(a)(2)	The LEA must request a due process hearing in the event the parent refuses or revokes consent for placement in a private facility, provided placement in the private facility is not the initial receipt of special education services
Section 10-76h(c)(1)	State Department of Education (SDE) to provide training for special education hearing officers
Section 10-76h(d)(1)	The hearing officer, or board, may order an initial evaluation or re-evaluation without the consent of the parent, or pupil, in certain instances and the hearing officer may include in the final decision and order a comment on the conduct of the proceedings
Section 10-76h(d)(2)	Enforcement authority of the SDE with respect to hearing decisions
Section 10-76h(d)(3)	If ordered by the hearing officer, the LEA may conduct an initial evaluation or reevaluation or place a child in a private facility (if not the initial receipt of education services) without the consent of the parent.
Section 10-76h(d)(4)	The SBE must provide, free of charge, transcripts in the event the hearing decision is appealed and transcript is requested
Section 10-76h-3	Hearing request; content of hearing request.
Section 10-76h-4	The statute of limitations shall be two years to request a hearing but does not apply to evidentiary considerations.
Section 10-76h-5	Mediation
Section 10-76h-6	Advisory opinion process; dispute resolution alternative to mediation and full hearing
Section 10-76h-7	Prehearing conference to clarify issues in dispute, establish hearing dates, review the possibility of settlement, organize the submission of exhibits, identify witnesses and address other administrative matters as are appropriate; scheduling may be over consecutive days; identification of length of case hearing

	officer has sole discretion to determine length of hearing; specific extension of the 45-day timeline at the request of a party to the hearing, except for expedited hearings
Section 10-76h-8	Motion practice: motion to recuse, dismiss, consolidate, clarify the findings or decision of the hearing officer and other motions as may be appropriate
Section 10-76h-9	Postponements and extensions: explicit requirements for requesting, conditions under which hearing officer may grant or deny request
Section 10-76h-11	Hearing rights: allows out-of-state attorneys to appear in special education due process hearings with a sponsoring Connecticut attorney
Section 10-76d-12	Exhibits, documents presented at the hearing, witnesses: presentation and appearance of exhibits and documents described
Section 10-76d-13	Conduct of hearings: authority of the hearing office to manage hearings, including exclusion of disruptive parties or other participant; securing interpreters for the hearing
Section 10-76d-14	Burden of proof is in all cases on the LEA; party who filed for the case has the burden of going forward with the evidence; hearing officer authority to bifurcate hearing re: unilateral placement
Section 10-76d-15	Evidence; introduction of and management by hearing officer; hearing officer has subpoena powers over witnesses; hearing officer may take administrative notice of facts, may receive stipulations from the parties and may additional evidence
Section 10-76h-16	Decision, implementation, rights of appeal
Section 10-76h-18	Default or dismissal of hearing requests
Section 10-76i	Advisory Council for Special Education: includes members not stipulated in IDEA
Section 10-76ii	Provision for applied behavior analysis services
Section 10-76dd	Special education supervisory personnel: provides reimbursement to LEAs for supervisory personnel
Section 10-76ee	Administrative representative at PPT meeting need not be the principal of the school
Section 10-76ff	In determining eligibility for special education, the LEA may not find the child eligible if the dominant factor for determining eligibility is evidence that the child's behavior violates the school's disciplinary policies or evidence that is derived from the contents of the disciplinary records
Section 10-94f - Section 10-94l	Surrogate parent program; procedure, appointments, rights and liabilities, regulations, and funding
Section 10-91h	Boards of Education to annually provide to state auditors the number of students receiving special education
Section 10-91i	Audits and Monitoring of Private Special Education Programs
Section 10-91j	Contracts with Private Providers of Special Education Services

Section 10-91k	Documentation of provision of special education services by private providers
Section 10-91l	Submission of operating budgets of private providers of special education services
Public Act 14-39	Dyslexia will be added as "SLD - Dyslexia" under "Specific Learning Disabilities" in the "Primary Disability" section of the individualized education program form used by planning and placement teams for the provision of special education and related services to children requiring special education and related services.
Section 17a-65	Department of Children and Families and Court Support Services Division shall ensure that all facilities and school programs run or contracted for by the department and the division are able to meet the academic and related service needs of enrolled children and youth.
Section 10-76d(c)	Paraprofessionals assigned to a child have a right to be present and participate at the PPT meeting
Section 10-74n	Transition resources, services and programs to be coordinated between state agencies.
Section 10-236b	Physical restraint and seclusion of special education students by school employees
Section 10-76ll	Transition bill of rights for children receiving special education services
Section 10-234aa-dd	Student Data Privacy Law - allows for vendor exceptions related to the statute regarding student data privacy if IEP delineates a need with team and parent approval.
Section 10-76jj	Language and communication plan must be included in IEP for a child identified as deaf or hard of hearing. The plan must also include an emergency communication plan.
Section 10-76d	Transition planning for the students diagnosed with autism to be begin no later than the date on which the IEP takes effect for any student who is at least 14 years old
Section 10-76xx	Notification requirements upon the identification of a student as gifted and talented
Section 10-91m	Requirements for private providers of special education services who have entered into contracts with local or regional boards of contracts to inform those boards about complaints

A.R. v. Connecticut State Board of Education (D.Conn. June 10, 2020): The federal court ruled that the state of Connecticut had violated the IDEA by impermissibly terminating eligibility for special education services for student at the end of the school year in which they turn 21 years old, rather than allowing services to continue up until the student's 22nd birthday. As a result of this ruling, special education and related services under the IDEA must remain available until the student's 22nd birthday. Prior to this decision, under state law (CGS Section 10-76d(b) and RCSA Section 10-76d-1(a)(4)), eligibility terminated upon graduation with a regular high school diploma or the end of the school year in which the student turned 21.